

# Notice of Allowability

Application No.

10/040,398

Examiner

Michael P. Mooney

Applicant(s)

JOHANNESSEN, KJETIL

Art Unit

2883

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/16/05 Amdt.
2. ☒ The allowed claim(s) is/are 18-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050922.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

The cancellation of claims 1-17 is acknowledged.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please add the words "Prior Art" to figure 1 as shown on the attached sheet.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The prior art, either alone or in combination, does not disclose or render obvious a first waveguide in or on a bottom portion of the prism, the rounded top to focus light entering the prism into the first waveguide, wherein the first waveguide comprises an integrated waveguide in combination with the rest of claim 29.

It is noted that the claim 29 is allowable because the unique combination of each and every specific element stated in the claim.

It is further noted that the waveguide 172 of Horii et al. can be said to be on the bottom portion of the prism, but the waveguide 172 is *not* integrated with the prism such that the whole, entire waveguide is made a part of the actual prism. I.e., the end of waveguide 172 of Horii may be *on* a part of the prism, but entire waveguide 172 is *not* integrated into the actual prism such that the whole, entire waveguide 172 is actually a

Art Unit: 2883

component of the prism that completely resides inside the prism as disclosed in the instant invention at, e.g., figure 3.

The prior art, either alone or in combination, does not disclose or render obvious a second waveguide in or on the bottom portion of the prism, wherein the rounded top constitutes more than one focus to couple light into the first waveguide and the second waveguide in combination with the rest of claim 18.

It is noted that the claim 18 is allowable because the unique combination of each and every specific element stated in the claim.

The prior art, either alone or in combination, does not disclose or render obvious, a method of making an optical probe including forming a lens surface on a prism; and forming a waveguide in or on a bottom portion of the prism as stated in claim 21.

It is noted that the claim 21 is allowable because the unique combination of each and every specific element stated in the claim.

The prior art, either alone or in combination, does not disclose or render obvious, wherein the first waveguide has a higher index of refraction than the prism in combination with the rest of claim 30.

It is noted that the claim 30 is allowable because the unique combination of each and every specific element stated in the claim.

The prior art, either alone or in combination, does not disclose or render obvious, wherein the first waveguide has an end selected from an abrupt end and a graded end in combination with the rest of claim 31.

Art Unit: 2883

It is noted that the claim 31 is allowable because the unique combination of each and every specific element stated in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

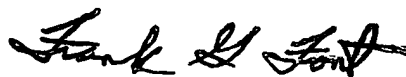
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-

1562.

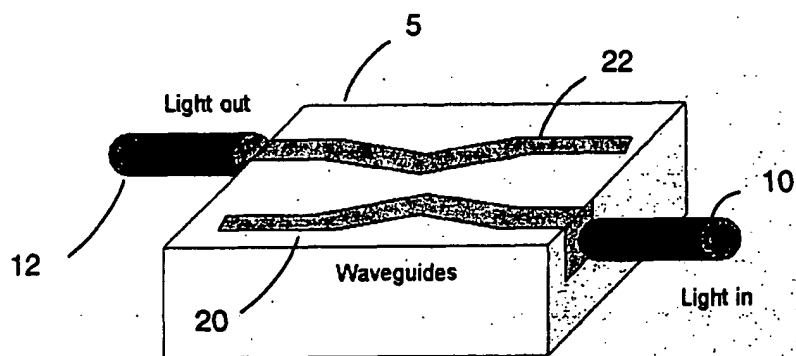


Michael P. Mooney  
Examiner  
Art Unit 2883



Frank G. Font  
Supervisory Patent Examiner  
Art Unit 2883

FGF/mpm  
9/22/05



PRIOR ART

FIG. 1

10040399.061202

Best Available Copy